

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2013 AUG 13 AM 11:36

CLERK
AT BALTIMORE
BY _____

SIM B. MOORE, JR.
1550 LANGFORD ROAD
BALTIMORE, MARYLAND 21207

PLAINTIFF,

v.

CIVIL NO: **WDQ 13 CV 2353**

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

DEFENDANT.

Serve

ATTORNEY GENERAL OF THE UNITED
STATES
Eric H. Holder
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Serve

US ATTORNEY'S OFFICE
DISTRICT OF MARYLAND
ROD J. ROSENSTEIN, USA
36 South Charles Street, 4th Floor
Baltimore, Maryland 21201

COMPLAINT

Comes now the Plaintiff, Sim B. Moore, Jr., pro se, hereby brings this action against Defendant, the United States of America, the U.S. Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF), and alleges as follows;

PARTIES AND JURISDICTION

1. Plaintiff is a resident of Baltimore County, Maryland.
2. Defendant, the United States of America, is being sued pursuant to 5 U.S.C. § 552, Freedom of Information Act (FOIA).
3. The Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B).
4. Venue is proper under 5 U.S.C. § 552(a)(4)(B). Plaintiff resides in the district and the injury occurred in Baltimore City, Baltimore County, Maryland.
5. Plaintiff, Sim B. Moore, Jr., made a timely request to the United States of America pursuant to the provisions of the Freedom of Information Act, which the Defendant has failed to respond and provide the requested information. Accordingly, all administrative remedies have been exhausted.

STATEMENT OF FACTS

1. By a letter submitted to BATF on line dated June 3, 2013, plaintiff submitted a Freedom of Information Act ("FOIA") request for "all records relating to my complete personnel file to include all reports, correspondences, emails and medical records" during

my service with ATF. By form letter addressed to plaintiff dated June 11, 2013 BATF acknowledged plaintiff's request.

2. By phone calls made on July 1, 2013, July 5, 2013, July 10, 2013 and July 15, 2013 the defendant related that supervisory approval to release information had not been acquired. A message was left with Chief Disclosure Division, Stephanie Boucher on July 10, 2013 as to why the FOIA request was being held up, which to date has never been answered.

3. To date, defendant DOJ, BATF has not provided the records requested by plaintiff in its FOIA request, notwithstanding the FOIA's requirement of an agency response within twenty (20) working days, which would put response date at July 1, 2013 from letter received June 3, 2013.

4. Plaintiff has exhausted the applicable administrative remedies with respect to its FOIA request to the ATF. ~~{BATF}~~

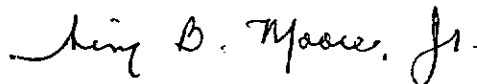
~~{BATF}~~

5. The ATF has wrongfully withheld the requested records from plaintiff.

WHEREFORE, The Plaintiff, Sim B. Moore, Jr. prays that this Court:

- a. Order Defendants to disclose the requested records in their entireties and make copies available to defendant without redaction or cost.
- b. Judgement to be entered in favor of the Plaintiff, Sim B. Moore, Jr. against United States of America, the US Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives for damages in the amount of \$500.00 dollars.
- c. Provide for expeditious proceedings in this action.
- d. Award Plaintiff his costs for incurring this action.
- e. Grant such other relief as the Court may deem necessary.

Respectfully submitted by,



Sim B. Moore, Jr.

Plaintiff

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Baltimore, Maryland 21207

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